

GAHC010001022024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/29/2024

MIJANUR RAHMAN
S/O ABDUR RASHID
R/O NO. 1 BORGHOLA, JOGIGHOPA
P.S. JOGIGHOPA
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

26.04.2024

Heard Mr. NJ Dutta, learned counsel for the petitioner. Also heard Mr. P Borthakur, learned Additional Public Prosecutor, Assam.

This is an application under Section 438 Cr.P.C., praying for grant of pre-arrest bail to the petitioner, Mijanur Rahman in connection with Bongaigaon GRPS case No.

141/2023 under Section 120(B)/341/343/302 IPC.

Perused the material so far collected by the I/O. Also perused the statement of the witnesses. The statements of the witnesses suggest that both the petitioner and the deceased were friends and used to go their work place and on the day prior to the fateful day they travelled together and subsequently the dead body of the victim was found in a railway track. Except last seen together, no sufficient incriminating material are available in the case diary to warrant custodial interrogation of the petitioner.

Considering the matter in its entirety, in the opinion of this court, the petitioner has been able to make out a case for granting him anticipatory bail. Accordingly, the present bail application stands allowed and in the event of arrest, the petitioner namely, Mijanur Rahman shall be allowed to go on pre-arrest bail on furnishing a bond of Rs. 20,000/- with one local surety of like amount to the satisfaction of the arresting authority on the following conditions:

- I. The petitioner shall appear before the I/O within a period of 10 days from today and get his statement recorded,
- II. The petitioner shall not hamper the investigation or temper with the evidence,
- III. The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer,
- IV. The petitioner shall appear before the I/O as and when called for by the I/O.

Application stands disposed of.

JUDGE

Comparing Assistant